

Atty Dkt: IDF 1499
4000-02500

Patent

REMARKS

Claims 1-25 are currently pending in this Application. By the office action of 11/23/2004, the Examiner has rejected Claims 1-25 on various grounds discussed below. The Applicant respectfully traverses these rejections. Reconsideration is requested.

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bridger US Pat. 6,272,209 in view of Gidwani US Pat. 6,640,239.

Claims 10 and 14 have been amended to make it clear that the claimed apparatus is included in or part of a customer premises integrated services hub. The Applicant believes that claims 10 and 14 as filed included this limitation, especially since the only embodiments disclosed are of apparatus in a customer premises integrated services hub, that by definition is located and operated on a customer premises.

Improper rejection:

The Applicant submits that there is no teaching, suggestion or motivation for one skilled in the art to combine the references and that the teachings of the references actually teach away from any such combination. As a result, the ground of rejection is improper, because there is no basis for combining the references.

The rejection is based in part on a number of elements found in the Bridger reference. The Examiner notes that Bridger does not show signaling to the user that the AC power has failed. The Examiner fills this missing element with the Gidwani reference by asserting that Gidwani teaches notifying the subscriber when power failure has occurred.

Atty Dkt: IDF 1499
4000-02500

Patent

Bridger teaches nothing about power conservation in customer premises equipment. Bridger instead teaches that both VOIP services and POTS services should be made available to a customer premises in order to provide continuing telephone service in case power is lost at the customer premises. When power is lost, the VOIP service stops because it depends on power at the customer premises. A relay makes a physical change in the connection of the customer premises to the telephone company central office so that the customer premises may operate on POTS service which uses power from the telephone company. Bridger acknowledges that use of battery backup has been used to continue VOIP services to customer premises, but indicates that this is a PROBLEM solved by Bridger's invention. See Col 1, lines 45-52 and Col. 3, lines 53-55.

Gidwani teaches a system that uses only VOIP services and does not provide POTS service. Gidwani's system therefore must have some type of power backup to operate when the normal power at the customer premises fails. Gidwani teaches numerous methods for conserving power at the customer premises. For example, Gidwani teaches turning off data services and limiting service to voice service. Gidwani teaches various power backup systems and replaceable batteries.

In view of these substantial differences between the teachings of Bridger and Gidwani, there is no reason or motivation for one skilled in the art to even attempt to combine the references. The Examiner has asserted that:

"it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to employ power management at

Atty Dkt: IDF 1499
4000-02500

Patent

the Customer Premise as taught by Gidwani for the benefit of providing subscriber with voice over IP."

As noted above, Bridger teaches nothing about providing VOIP service in the event of power failure at the customer premises. Bridger substitutes POTS service for VOIP service. Bridger teaches nothing about conserving power. There is no reason to consider combining power management techniques to continue VOIP service with a system that would not benefit from power management and that does not provide VOIP service when power fails. As a result it is not proper to combine the references.

The 103 rejections:

With respect to independent apparatus claims 10, 14, 18 and 22, the Examiner has asserted that Bridger teaches a number of the claimed elements. The Applicant disagrees with this reading of Bridger. These claims are limited to the elements being in the customer premises equipment. For example the claimed power monitor is in the customer premises equipment. In Bridger, the power monitor, or power loss detector, is in the telephone company equipment. All that happens in the customer premises equipment of Bridger is that a relay changes position when power is lost and makes direct POTS connection to the local loop. The telephone company equipment detects this change and reconfigures its equipment to provide the POTS service. See col. 2, lines 10-12. Bridger teaches that use of battery backup at the customer premises is a problem and is not used in its system. Bridger does not provide VOIP service when power fails at the customer premises.

Atty Dkt: IDF 1499
4000-02500

Patent

The Examiner notes that Bridger does not show signaling to the user that the AC power has failed. The Examiner asserts that Gidwani provides this missing disclosure and teaches notifying the subscriber when power at the customer premises has failed. In particular, the Examiner asserts that it would have been obvious "to modify the invention of Bridger to employ power management at the Customer Premise as taught by Gidwani for the benefit of providing subscriber with voice over IP". However, the suggested combination would not provide a system that would provide the subscriber with voice over IP services when power fails. Bridger teaches providing POTS service when power fails, not providing VOIP service when power fails.

Thus the suggested combination of references does not provide the claimed elements at the customer premises and would not result in the same system. It would result in a POTS system without the claimed functional elements operating as claimed.

In view of these substantial differences, the Applicant submits that claims 10,14, 18 and 22, as amended, are allowable over the cited references. Claims 11-13, 15-17, 19-21 and 23-25 should also be allowable since they depend from these claims.

Method claims 1-9 were rejected on the same basis as the apparatus claims discussed above. The Applicant submits that the rejection is improper for the reasons discussed above and the asserted combination does not result in the claimed invention as discussed above. As a result, the Applicant submits that claims 1-9 are also allowable over the cited references.

Atty Dkt: IDF 1499
4000-02500

Patent

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.


Applicants respectfully submit that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 2-14-05

5700 Granite Parkway, Suite 330
Plano, Texas 75024
Telephone: (972) 731-2288
Facsimile: (972) 731-2289


Albert C. Mettrailer
Reg. No. 27,145

ATTORNEY FOR APPLICANT